

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA



Nineteenth meeting of the Conference of the Parties  
Panama City (Panama), 14 – 25 November 2022

INFORMATION DOCUMENT ON COMMENTARY ON THE PROPOSED AMENDMENTS TO RESOLUTION  
9.24 (REV. COP17) COP19 DOC. 87.1

1. This document has been submitted by Cambodia and Zimbabwe in relation with CoP19 Doc. 87.1 Proposed Amendments to Resolution 9.24 (Rev. CoP18).\*

**Background**

2. The principle of livelihoods and sustainable use have not been adequately considered by the Conferences of the Parties (COP) to CITES. The rejection of proposals to install a Rural Communities Committee at COP18 and the meagre support for the CITES and Livelihoods Working Group are the most recent hints that Parties do not consider the livelihoods of rural communities properly.
3. The Convention on Biological Diversity (CBD) clearly aims to include indigenous peoples and local communities (IPLCs) in the decision-making processes. Also other regimes, such as the Ramsar Convention on Wetlands, have mechanisms in place that enable IPLCs to actively engage with the conservation regime, which, in turn pays due regard to their concerns.
4. CITES Parties, on the other hand, increasingly focus on listing charismatic species on the Appendices instead of paying due regard to the scientific basis on which this listing occurs (Challenger & MacMillan, 2019).
5. Recent research has also shown that CITES is a regime which falls short of fulfilling international obligations pertaining to the rights of indigenous peoples — enshrined in the legally-binding ILO 169 Tribal and Indigenous Peoples Convention and the UN Declaration on the Rights of Indigenous Peoples — and to the rights of other local communities, including fishers and fish workers, stipulated in the recently adopted UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (see Sellheim, 2020; Sellheim & Ojanperä, 2021).
6. Against this backdrop, Cooney et al. (2021) have proposed a change to the criteria outlined in the Annexes to Resolution Conf. 9.24 (Rev. CoP17). These changes are to include: 1) a mechanism to consider the impacts of listings on IPLCs; 2) a broadening of the criteria for listing decisions; and 3) strengthening the voices of users of potentially listed species in the decision-making process.

**Proposed amendments to Resolution Conf. 9.24 (Rev. CoP17)**

7. In light of the above and in order to make IPLCs part and parcel of the decision-making process concerning amendments to the Appendices, the criteria for these amendments should be expanded to adequately include the impacts of potential listings on IPLCs and their livelihoods.

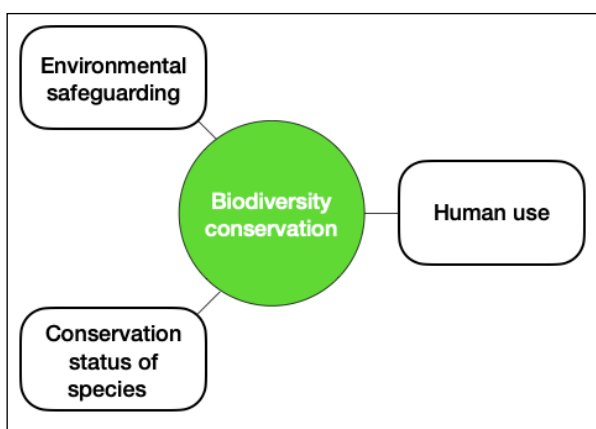
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\* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

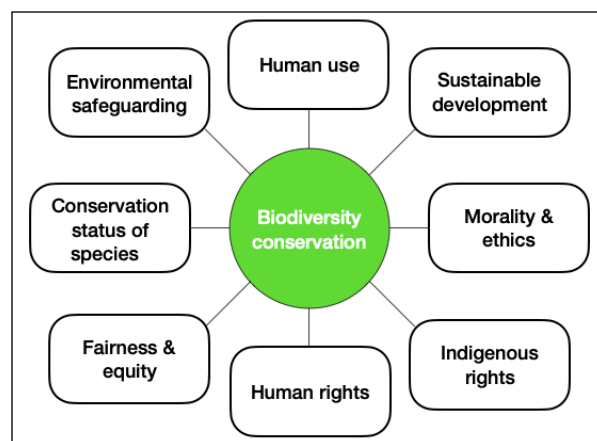
8. This means that next to biological and trade criteria, also due regard should be paid to livelihoods and food security. The requirement not only to consult range states before a proposal is tabled, but also to consult with stakeholders engaged with the species in question should therefore be included.
9. In addition, since Appendix I listings have dramatic impacts on the ability of IPLCs to engage in international trade, it is imperative that proposals to include species in Appendix I can only be tabled when it is clear, or can be inferred or projected, that international trade is the key driver for population decline.
10. The proposed amendments to Resolution Conf. 9.24 (Rev. CoP17) consequently correspond to the standards set by the CBD, to international human rights standards and to counteract the shortcomings identified in scholarly research.

### Response to the Comments of the Secretariat

11. 10. While the criteria set out in Resolution Conf. 9.24 (Rev. CoP17) were prepared by CoP13 (Bangkok, 2004), these criteria are reaching 20 years. While key agreements, such as the Convention on Biological Diversity, were already in force then, their operational capacities have only recently started to unfold, especially after the Johannesburg Summit in 2002. As a consequence, international conservation law has evolved to include other factors beyond the conservation status of species, environmental safeguarding and human use (Louka, 2006).



*Components of biodiversity conservation (simplified) before Johannesburg 2002*



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12. Although the Secretariat recognises that “implementation of CITES is better achieved with the engagement of rural communities, especially those which are traditionally dependent on CITES-listed species for their livelihoods,” it fails to provide evidence for their effective inclusion in CITES decision-making processes. It furthermore fails to provide evidence for the degree to which this aspired engagement has effectively increased the effectiveness of CITES with regard to implementation.
13. The “variety of other factors which are not clearly defined,” as noted by the Secretariat, are indicators for the effectiveness of CITES listings with regard to illegal trade in CITES-listed species. They relate to the effects on:
  - Socio-economic circumstances dependent on illegal trade when there are few other livelihoods options available;
  - Syndicates or other illegal networks that facilitate trafficking of CITES-listed specimens, acting within and outside government;
  - Demand, going in parallel or independent from price fluctuations
  - Enforcement options that take into account the above points.
14. The entire *raison d'être* of CITES revolves around the interlinkage of international trade and the conservation of a species. As research has shown, CITES listings can either help or hinder the recovery of a species, especially when other factors than trade contribute to population decline, and implementation, compliance and enforcement generate challenges for the Contracting Parties (Kievit, 2000; Wyatt, 2021). The proposed amendments to Resolution Conf. 9.24 (Rev. CoP17) aim to underline

the importance of international trade as the focus of attention of CITES Contracting Parties. If other factors than international trade cause population decline, this lies outside the competence of CITES.

15. Retaining the term “affected by trade” must be read against in conjunction with international trade being the “key driver” of population decline. The relationship is straightforward in so far as there is no effect of trade on a species, they should not be considered for inclusion in the CITES Appendices.

### **Cited research**

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